

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-02032-CKK**

LINDSEY v. FEDERAL BUREAU OF INVESTIGATION
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 10/12/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**DAVID AUSTIN LINDSEY**

represented by **C. Peter Sorenson**
SORENSEN LAW OFFICE
P.O. Box 10836
Eugene, OR 97440
(541) 606-9173
Email: petesorenson@gmail.com
TERMINATED: 07/08/2019

Daniel J. Stotter
STOTTER AND ASSOCIATES, LLC
408 SW Monroe Avenue
Suite M210E
Corvallis, OR 97333
(541) 738-2601
Fax: (541) 738-0611
Email: dstotter@qwestoffice.net
ATTORNEY TO BE NOTICED

V.

Defendant**FEDERAL BUREAU OF INVESTIGATION**

represented by **Rhonda Lisa Campbell**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2559
Fax: (202) 252-2599
Email: rhonda.campbell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/12/2016	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 400 receipt number 0090-4705483) filed by DAVID AUSTIN LINDSEY. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Civil Cover Sheet)(Sorenson, C.) (Entered: 10/12/2016)
10/12/2016		Case Assigned to Judge Colleen Kollar-Kotelly. (sth) (Entered: 10/12/2016)
10/12/2016	<u>2</u>	SUMMONS (3) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 10/12/2016)
10/13/2016	<u>3</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on October 13, 2016. (NS) (Entered: 10/13/2016)

10/24/2016	<u>4</u>	NOTICE of Appearance by Rhonda Lisa Campbell on behalf of All Defendants (Campbell, Rhonda) (Entered: 10/24/2016)
11/18/2016	<u>5</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION.(Campbell, Rhonda) (Entered: 11/18/2016)
11/18/2016	<u>6</u>	ORDER CALLING FOR JOINT STATUS REPORT. Signed by Judge Colleen Kollar-Kotelly on 11/18/2016. (lcckk1) (Entered: 11/18/2016)
11/18/2016		Set/Reset Deadlines: Joint Status Report due by 12/16/2016. (dot) (Entered: 11/21/2016)
12/15/2016	<u>7</u>	Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by DAVID AUSTIN LINDSEY. (Stotter, Daniel) (Entered: 12/15/2016)
12/20/2016	<u>8</u>	SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on 12/20/2016. (lcckk1) (Entered: 12/20/2016)
12/20/2016		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 1/27/2017. Response to Motion for Summary Judgment due by 2/27/2017. Reply to Motion for Summary Judgment due by 3/13/2017. Vaughn Index due by 1/27/2017. Plaintiff's Cross Motion due by 2/27/2017. Response to Cross Motion due by 3/13/2017. Reply to Cross Motion due by 3/29/2017. (dot) (Entered: 12/21/2016)
01/06/2017	<u>9</u>	NOTICE of Appearance by Daniel J. Stotter on behalf of DAVID AUSTIN LINDSEY (Stotter, Daniel) (Entered: 01/06/2017)
01/27/2017	<u>10</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration David Hardy, # <u>4</u> Exhibit A-H)(Campbell, Rhonda) (Entered: 01/27/2017)
02/27/2017	<u>11</u>	MOTION for Summary Judgment <i>and Memorandum of Points & Authorities</i> by DAVID AUSTIN LINDSEY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of David Austin Lindsey & Exhibits A – F, # <u>3</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 02/27/2017)
02/27/2017	<u>12</u>	RESPONSE re <u>10</u> MOTION for Summary Judgment filed by DAVID AUSTIN LINDSEY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of David Austin Lindsey & Exhibits A – F, # <u>3</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 02/27/2017)
03/13/2017	<u>13</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Campbell, Rhonda) (Entered: 03/13/2017)
03/13/2017	<u>14</u>	Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment <i>and Memorandum of Points & Authorities</i> filed by FEDERAL BUREAU OF INVESTIGATION. (See Docket Entry <u>13</u> to view document). (znmw) (Entered: 03/14/2017)
03/29/2017	<u>15</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment <i>and Memorandum of Points & Authorities</i> filed by DAVID AUSTIN LINDSEY. (Attachments: # <u>1</u> Declaration Second Declaration of David Austin Lindsey & Exhibit G)(Stotter, Daniel) (Entered: 03/29/2017)
09/20/2017	<u>16</u>	MEMORANDUM OPINION AND ORDER DENYING WITHOUT PREJUDICE Defendant's <u>10</u> Motion for Summary Judgment and Plaintiff's <u>11</u> Motion for Summary Judgment. The parties shall file a Joint Status Report by NOVEMBER 17, 2017. Signed by Judge Colleen Kollar-Kotelly on 9/20/2017. (lcckk3) (Entered: 09/20/2017)
09/20/2017		Set/Reset Deadlines: Joint Status Report due by 11/17/2017. (dot) (Entered: 09/22/2017)
11/17/2017	<u>17</u>	Joint STATUS REPORT & <i>Proposed Briefing Schedule</i> by DAVID AUSTIN LINDSEY. (Stotter, Daniel) (Entered: 11/17/2017)
12/15/2017		MINUTE ORDER: The Court has received the parties' <u>17</u> Joint Status Report. The Court finds that setting a schedule for summary judgment briefing is premature at this time, based on the nascent review of potentially responsive pages by Defendant's Office of General Counsel. In light of Defendant's "anticipate[d] release of all

		responsive, nonexempt information by February 1, 2018," the parties shall file a Joint Status Report by FEBRUARY 9, 2018 , proposing a schedule for any further production and, if necessary, briefing in this case. Signed by Judge Colleen Kollar-Kotelly on December 15, 2017. (lcckk1) (Entered: 12/15/2017)
12/15/2017		Set/Reset Deadlines: Joint Status Report due by 2/9/2018. (dot) (Entered: 12/18/2017)
02/08/2018	<u>18</u>	Joint STATUS REPORT by DAVID AUSTIN LINDSEY. (Stotter, Daniel) (Entered: 02/08/2018)
03/01/2018		MINUTE ORDER: The Court has received the parties' <u>18</u> Joint Status Report. The parties disagree regarding the sufficiency of Defendant's search and production in response to the Court's <u>16</u> Memorandum Opinion and Order, which allowed "Defendant [to] submit an amended affidavit [to support its motion for summary judgment on the basis of its <i>Glomar</i> response], or choose to pierce the <i>Glomar</i> veil, and conduct a search for relevant, non-exempt records that are responsive to Plaintiff's [Freedom of Information Act ("FOIA")] request." The parties propose schedules for renewed cross-motions for summary judgment that differ in both content and timing. As far as content, Plaintiff's proposed schedule would require Defendant to submit a supplemental search declaration with Defendant's renewed motion for summary judgment. Defendant, on the other hand, offers to supplement its previous affidavit in support of its <i>Glomar</i> response to include FOIA Exemptions 1 and 3, and, if the justification is classified, to provide support <i>in camera</i> , <i>ex parte</i> , for assertion of those exemptions in the <i>Glomar</i> response. Yet, it appears that Defendant has offered a solution that is not contemplated by the Court's <u>16</u> Memorandum Opinion and Order, namely, piercing the <i>Glomar</i> veil to conduct a search, and then submitting an amended affidavit that is in theory meant to justify not having responded to Plaintiff's FOIA request. Accordingly, the Court shall adopt the content of the schedule proposed by Plaintiff. Briefing of Defendant's renewed motion for summary judgment may nevertheless warrant <i>in camera</i> , <i>ex parte</i> , review of any classified information. As for timing, the Court shall issue an Amended Scheduling and Procedures Order that sets forth a briefing schedule that provides Defendant with the additional time that it seeks in its proposed schedule. The Court expects that this additional time will enable Defendant to comply with the Court's order to include a supplemental search declaration, and, if necessary, <i>in camera</i> , <i>ex parte</i> , submission of classified information. Signed by Judge Colleen Kollar-Kotelly on March 1, 2018. (lcckk1) (Entered: 03/01/2018)
03/01/2018	<u>19</u>	AMENDED SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on March 1, 2018. (lcckk1) (Entered: 03/01/2018)
03/01/2018		Set/Reset Deadlines: Plaintiff's Renewed Cross Motion due by 5/21/2018. Response to Cross Motion due by 6/15/2018. Reply to Cross Motion due by 7/6/2018. Defendant's Renewed Summary Judgment motion due by 4/23/2018. Response to Motion for Summary Judgment due by 5/21/2018. Reply to Motion for Summary Judgment due by 6/15/2018. (dot) (Entered: 03/01/2018)
04/23/2018	<u>20</u>	MOTION for Summary Judgment <i>Renewed</i> by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration David M. Hardy, # <u>4</u> Exhibit)(Campbell, Rhonda) (Entered: 04/23/2018)
04/27/2018	<u>21</u>	NOTICE (<i>Notice of In Camera, Ex Parte Submission</i>) by FEDERAL BUREAU OF INVESTIGATION re <u>20</u> MOTION for Summary Judgment <i>Renewed</i> (Campbell, Rhonda) (Entered: 04/27/2018)
05/21/2018	<u>22</u>	MOTION for Summary Judgment <i>and Memorandum of Points & Authorities</i> by DAVID AUSTIN LINDSEY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/21/2018)
05/21/2018	<u>23</u>	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment <i>Renewed</i> filed by DAVID AUSTIN LINDSEY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/21/2018)
06/15/2018	<u>24</u>	REPLY to opposition to motion re <u>20</u> MOTION for Summary Judgment <i>Renewed</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Campbell, Rhonda) (Entered: 06/15/2018)

06/15/2018	26	Memorandum in opposition to re <u>22</u> MOTION for Summary Judgment <i>and Memorandum of Points & Authorities</i> filed by FEDERAL BUREAU OF INVESTIGATION. (See docket entry no. <u>24</u> to view.) (ztd) (Entered: 06/20/2018)
06/18/2018		NOTICE OF ERROR re <u>24</u> Reply to opposition to Motion; emailed to rhonda.campbell@usdoj.gov, cc'd 8 associated attorneys — The PDF file you docketed contained errors: 1. Two-part docket entry, 2. You must enter the Opposition portion of your document on the docket. (ztd,) (Entered: 06/18/2018)
06/19/2018	<u>25</u>	Consent MOTION for Extension of Time to File Response/Reply by DAVID AUSTIN LINDSEY (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 06/19/2018)
06/20/2018		MINUTE ORDER: The Court has received Plaintiff's <u>25</u> Consent Motion for Extension of Time, which indicates that Defendant consents. For good cause shown, the Court GRANTS Plaintiff's motion. Plaintiff shall file his Reply to Defendant's <u>24</u> Opposition to Plaintiff's <u>22</u> Renewed Motion for Summary Judgment by no later than JULY 16, 2018 . Signed by Judge Colleen Kollar-Kotelly on June 20, 2018. (lcckk1) (Entered: 06/20/2018)
06/20/2018		Set/Reset Deadlines: Defendant's Reply to <u>22</u> due by 7/16/2018. (dot) (Entered: 06/21/2018)
07/16/2018	<u>27</u>	REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment <i>and Memorandum of Points & Authorities</i> filed by DAVID AUSTIN LINDSEY. (Attachments: # <u>1</u> Declaration Third Declaration of David Austin Lindsey & Exhibit A)(Stotter, Daniel) (Entered: 07/16/2018)
07/08/2019	<u>28</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to DAVID AUSTIN LINDSEY. Attorney C. Peter Sorenson terminated. (Sorenson, C.) (Entered: 07/08/2019)
08/13/2019		MINUTE ORDER: By no later than AUGUST 16, 2019 , the parties shall notify the Court of any relevant new authorities or factual developments since the parties concluded their briefing of Defendant's <u>20</u> Renewed Motion for Summary Judgment and Plaintiff's <u>22</u> Renewed Motion for Summary Judgment. Signed by Judge Colleen Kollar-Kotelly on August 13, 2019. (lcckk1) (Entered: 08/13/2019)
08/13/2019		Set/Reset Deadlines: Parties shall notify the Court by 8/16/2019. (kt) (Entered: 08/13/2019)
08/15/2019	<u>29</u>	Consent MOTION for Extension of Time to <i>file the Joint Status Report</i> by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Text of Proposed Order)(Campbell, Rhonda) (Entered: 08/15/2019)
08/16/2019		MINUTE ORDER: The Court has received Defendant's <u>29</u> Consent Motion for Extension of Time, with respect to the deadline for the parties' notice of any relevant new authorities or factual developments since the parties concluded their briefing of Defendant's <u>20</u> Renewed Motion for Summary Judgment and Plaintiff's <u>22</u> Renewed Motion for Summary Judgment. Because the Court gave the parties less than four full business days to respond, the Court shall waive its requirement that motions for extensions of time be filed four business days in advance of a deadline. <i>See</i> Order Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly, ECF No. <u>3</u> , ¶ 7(A). With Plaintiff's consent, the Court shall GRANT Defendant's <u>29</u> Consent Motion for Extension of Time, for good cause shown. The parties shall file the Notice set forth in the Court's Minute Order of August 13, 2019, by no later than AUGUST 23, 2019 . Signed by Judge Colleen Kollar-Kotelly on August 16, 2019. (lcckk1) (Entered: 08/16/2019)
08/16/2019		Set/Reset Deadlines: The parties shall file the Notice by no later than 8/23/2019. (kt) (Entered: 08/16/2019)